

**APPENDIX A. APPROVED SCOPE FOR SCIENTIFIC
PANEL REVIEW OF BIOLOGICAL RESOURCES
IMPACTS AND PROPOSED MITIGATION
FOR THE POTRERO HILLS LANDFILL
PHASE II EXPANSION**

Scope of Work and Schedule for Independent Peer Review of the Biological and Wetlands Resource Analysis and Mitigation Plan for the Potrero Hills Landfill Expansion

I. Purpose

This agreement assures the resources for the selection of an objective review panel and completion of an objective review, preparation of a report, and scheduled meetings with the panel members to discuss the review and report, along with associated documents, to be used to aid the Commission staff and the Commission in evaluating whether the proposed project complies with the relevant Solano County Local Protection Program policies. To help the Commission and its staff to obtain the necessary information, Potrero shall hire and pay a panel of experts in fields described below and as chosen by the Commission Executive Director to :

- (1) evaluate the potential adverse impacts of the proposed project;
- (2) evaluate proposed mitigation for impacts to the environment, habitats and species;
- (3) prepare a written report that summarizes the individual panel members' conclusions;
- (4) meet with the Commission staff and Potrero staff to discuss the evaluations and report;
- (5) address questions posed by the Commission staff and Potrero staff by supplementing the report; and

- (6) attend the Commission meeting at which the Commission holds a public hearing on the proposed project and be available to answer any questions that the Commission may have.

The use of a review panel will help provide the information necessary for the Commission and its staff to evaluate the project.

II. Scope of Work

To evaluate the potential environmental impacts of the landfill expansion on habitat and associated wildlife at the project site and to review the appropriateness and adequacy of the proposed mitigation, the review panel will perform the following tasks:

a. **Task 1. Information and Background Review.** Review pertinent sections, plans and figures from the final environmental impact report prepared for the project, which was certified by Solano County. Review the proposed project description provided by the applicant. Review the mitigation, monitoring, and adaptive management plan and any other information provided by the applicant or BCDC staff. Review scope of work provided by BCDC regarding the objectives, methods, schedule, and specifications for conducting the review. Inform the Commission staff of any supplemental information needed for of the Commission's consideration of the BCDC marsh development permit. Based on this review, develop a detailed work plan for the successful completion of Tasks 2 through 8.

b. **Task 2. Literature Review.** Each panelist will compile existing information/literature on his or her area of expertise (raptors, migratory birds, other birds that may be associated with the habitats in the Potrero Hills, California Tiger Salamanders, vernal pool ecology, grassland ecology, and habitat restoration, creation and mitigation) as it relates to the Potrero Hills or other sites with similar habitats in Northern California. Review the relevant portions of the

California Department of Fish and Game's Fish and Wildlife Element of the Suisun Marsh Protection Plan's background report.

c. **Task 3. Site Visits.** Visit the existing landfill, the proposed expansion area, and the proposed mitigation sites at least once to obtain understanding of the areas that would be impacted by the project. Panelists with bird expertise will conduct point count bird surveys on at least 3 separate days at the expansion and mitigation areas within the time frame allowed by the project schedule. Panelists with vernal pool and grassland expertise that wish to conduct reconnaissance or limited field surveys at the mitigation areas will have the option to do so.

d. **Task 4. Review Potential Impacts to Habitat and Wildlife.** Through review of the information identified and acquired through Tasks 1 - 3, each panelist will evaluate and describe the potential impacts on existing habitat values and associated biological and wetland resources of: (1) the proposed landfill expansion; and (2) the impacts due to the conversion of one habitat type for a different habitat type as part of the mitigation proposal. This review will consider the effects on habitats and associated species both onsite and offsite, as applicable. Habitat effects of the landfill expansion will be evaluated on a local, regional and range-wide basis. Species impacts will be characterized based on the numbers of individuals affected, the quality of habitats for the species, and roles of the habitat to species life history (migration routes, seasonal ranges) that may affect populations offsite. The magnitudes of species impacts also will be characterized at local, regional, and range-wide scales

e. **Task 5. Review Mitigation, Monitoring, and Adaptive Management Plan.** Review the proposed mitigation plan and determine to what extent the plan offsets the potential adverse impacts of the proposed project. This review should include an evaluation of the:

- (1) type and size of each habitat to be impacted by the proposed landfill expansion;
- (2) the type and size of habitats that would be conserved, restored or enhanced;
- (3) the adequacy of the mitigation in offsetting the impacts of the project (including changes that would occur to habitats on the mitigation site);
- (4) performance goals of the mitigation and timeline to achieve them; and
- (5) probability or likelihood of success of the mitigation.

Review the monitoring plan and determine if the measures outlined would provide sufficient and timely information to analyze the success of the mitigation and to identify problems with the restoration and/or enhancement. Examine the adaptive management plan and determine whether it provides sufficient assurances that PHLF would be able to address future issues of compliance with the proposed mitigation, including the application of adaptive management if necessary.

f. **Task 6. Round-Table Panel Discussion.** Participants in this discussion will include the panelists and BCDC staff. Meet as a group to discuss the results of each panelist's evaluation. Discuss potential conclusions on the impacts and the adequacy of the mitigation, monitoring, and adaptive management plan for each impact analyzed. Discuss any concerns, issues, or data gaps.

g. **Task 7. Develop Preliminary Report.** Present the panel's analysis in a report for review by Commission staff.

Task 7a. Each panelist will write a summary of conclusions on his or her specific areas of expertise. Each individual section of the report should include:

- (1) an analysis of the existing habitat and the associated wildlife and other biological resources;
- (2) an analysis of whether or not the proposed project and mitigation would adversely impact the existing habitat and the associated wildlife and, if such an impact would occur, an analysis of the magnitude of the impact and its significance and the degree to which it is mitigated by mitigation actions;
- (3) an analysis of whether or not the proposed mitigation is adequate and appropriate and, if the proposed mitigation is not adequate, why it is not and how it should be modified to make it adequate; and
- (4) recommendations on potential changes to the project or mitigation measures that could reduce the impact of the landfill expansion on the site's natural resources.

Task 7b. The panel lead will collate the individual sections of the panelists' reports into one cohesive document. Additionally, as part of this document, the lead will develop one section of the report that compiles all of the panelists' conclusions on the impacts of the project on the environment, mitigation, monitoring, and adaptive management plan into one comprehensive summary that reflects the individual opinions of the group members.

Product. The draft report shall include preliminary summary analysis of the potential environmental impacts of the landfill expansion and on the mitigation, monitoring, and adaptive management plan. This report will include separate sections for each of the specific areas of expertise and one summary section on the analysis of the mitigation, monitoring and adaptive management plan. The report shall include preliminary findings regarding any potential shortcomings. This report shall be presented to Commission staff and PHLF's representatives for review, comments, and questions.

h. Task 8. Report Revision. Address Commission staff comments, responses to staff comments, and PHLF's comments into a final report suitable for presentation to the Commission and posting on the BCDC website.

Product. The final report shall include a summary describing the potential environmental impacts of the landfill expansion and on the adequacy of the mitigation to offset those impacts, and the adequacy of the monitoring, and adaptive management plan. This report shall include final findings regarding the impacts of the project on habitats of the Potrero Hills and associated wildlife and other biological resources, and on the adequacy of the mitigation, monitoring, and adaptive management plan. It also should address any potential shortcomings, if identified, and recommendations to eliminate or to reduce any such shortcomings.

PROJECT SCHEDULE

Note: this schedule is contingent on the submittal of the mitigation, monitoring, and adaptive management plan by Potrero Hills Landfill, Inc. no later than April 17, 2006. Dates listed below are targets that may be subject to change particularly after discussing the schedule with the selected panel members. Changes to the schedule may be made by the Executive Director. All schedule dates are in 2006.

Panel start date: May 18, 2006. Panel completion date: September 22, 2006.

Task 1. Information and background review: May 18 to June 12.

- Checkpoint 1: June 11. (detailed work plan).

Task 2. Literature review: (concurrent with Task 1) May 18 to June 12.

- Checkpoint 3: June 12.

Task 3. Site visits: May 18-June 15

- Checkpoint 4: May 18-June 2 (target period for group orientation site visit)
- Checkpoint 5: May 18-June 15 (more intensive individual bird surveys and vernal pool/grassland surveys, if necessary. If needed, surveys can be conducted any time after panel initiation on May 18).

Task 4. Analyze potential impacts to habitat and wildlife: June 15-July 10

- Checkpoint 6: July 10.

Task 5. Analyze mitigation, monitoring, and adaptive management plan: (concurrent with Task 4: June 15-July 10)

- Checkpoint 7: July 10

Task 6. Round-table Panel Discussion: One day during July 13-20

- Checkpoint 8: One day during July 13-20: Meeting with full panel and BCDC staff

Task 7. Draft Report: August 21

- **Reviewer reports submitted to Review Team Leader: Aug 7.**
- Review Team Leader assembles report: Aug 7-21
- Checkpoint 9: Aug 21. **Draft report due from Review Team Leader to BCDC staff and PHLF.**

Task 8. Final Report: August 21- Sept 22

- Checkpoint 10: August 25: Steve Peterson to provide comments to BCDC staff.
- Checkpoint 11: September 1: Meet with Commission staff to receive comments and questions on draft report.
- Checkpoint 12: September 22: **Final report due.**